

REMARKS

Claims 1, 5 and 66-44 are pending in the present Application, with Claims 6-44 withdrawn from consideration. Claim 1 has been amended, leaving Claims 1 and 5 for consideration upon entry of the present Amendment.

Support for the amendment to Claim 1 can be found in the Specification on Page 3, full paragraphs 3-5.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Information Disclosure Statement

Applicants note that the Information Disclosure Statement filed with the Application on May 25, 2001 was never initialed by the Examiner. A copy of the Information Disclosure Statement and cited art are included herewith for convenience. Applicants request that the Examiner initial the Information Disclosure Statement.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1 and 5 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,880,687 to Yokoyama et al. (hereinafter “Yokoyama”). Applicants respectfully traverse this rejection.

Claim 1 is directed to a coating made of a film formed on the basis of at least one polymer material that includes at least one property-changing component embedded in a matrix of the polymer material, the film comprising several layer-like areas, at least one of the layer-like areas includes the property-changing component, and a concentration of the property-changing component embedded in one of the layer-like areas varies in a direction of a thickness of one of the layer-like areas, wherein the coating is disposed on a workpiece.

Yokoyama is directed to a magnetic recording medium wherein a metal magnetic layer and an overcoat are disposed on a nonmagnetic substrate. The overcoat contains a plasma-

polymerized film, and a topcoat containing an organic fluorine compound (Abstract). The fluorine in the topcoat layer can have a concentration gradient (Col. 16 lines 1-10). The nonmagnetic substrate “generally has a thickness of about 1.2 to about 1.9 mm and a shape of disk or drum” (Col. 12, lines 58-60).

In making the rejection, the Examiner states “the examiner has interpreted the limitation requiring a ‘property changing component’ in claim 1 to require a material that changes any property of the that polymer film, i.e., hardness, lubricity, magnetization characteristics, crosslinking density, etc.” (Paper 11, Page 3). In addition, the Examiner “interprets ‘several layer-like areas’ to mean [] at least two individual layers” (Paper 11, Page 3). Yokoyama teaches a “magnetic recording medium comprising a non-magnetic substrate” (Paper 11, Page 3). The Examiner “considers the polymer based plasma polymerized films 71/75 and the polymer based topcoat 9 to be equivalent to the applicants claimed film having multiple layer-like areas (Paper 11, Pages 3-4). The Examiner further alleges that Yokoyama teaches “the topcoat layer is formed such that the concentration of fluorine continuously or discontinuously increases toward the surface of the topcoat layer” (Paper 11, Page 4). The Examiner concludes “all of the requirements of claim 1 are clearly anticipated by Yokoyama” (Paper 11, Page 4). Regarding Claim 5, the Examiner alleges that Yokoyama teaches a “plasma polymerized layer” and further “the examiner interprets all of the layers below the plasma polymerized layer 75 as shown in figure 1 of Yokoyama to be equivalent to applicants claimed base material (Paper 11, Pages 4-5)

The present Claims have been amended to specify that the coating is disposed on a workpiece. As described in the Specification:

The layer-like design of the synthetic film and the possibilities of purposely influencing the properties in the individual areas also makes it possible, in combination with the possibility of information storage, to create applications-specific property profiles, so that a coating in the form of a synthetic film is available that can be used in many areas and that permits identification of the workpiece provided with the coating both during the whole production process and after it. Potential areas of application can be, for example, the food and pharmaceutical industries, environmental protection, connection and drive technology, shipping, fluid energy systems, the chemical and automobile industries or safety technology and stock protection.

(Page 8, first full paragraph)

The present application is thus directed to coating for substrates such as workpieces made of metal or other known base materials as known in the mechanical engineering art. Yokoyama does not disclose a coating disposed on a workpiece as presently claimed. Instead, Yokoyama describes recording media such as floppy disks and the like. The nonmagnetic substrates of Yokoyama are clearly those suitable for formation of magnetic recording media and are not workpieces as presently claimed.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Yokoyama does not teach a coating disposed on a workpiece as presently claimed. Yokoyama is specifically directed to magnetic recording media comprising nonmagnetic rigid substrates. Because Yokoyama teaches only substrates suitable for forming magnetic recording media, Yokoyama thus also does not render the coating disposed on a workpiece as presently claimed obvious.

For at least the foregoing reasons, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) are requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 by Cantor Colburn LLP.

Respectfully submitted,

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